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In the Matter of)
)
Adjustment of the Rates for) Docket No. 96-6
Noncommercial Educational) CARP NCBRA
Broadcasting Compulsory License)

THE PUBLIC BROADCASTERS' REPLY IN
FURTHER SUPPORT OF THEIR MOTION
TO STRIKE ASCAP'S INTRODUCTORY STATEMENT

The Public Broadcasting Service ("PBS") and
National Public Radio ("NPR"), in conjunction with the
Corporation For Public Broadcasting ("CPB") (collectively
the "Public Broadcasters") submit this memorandum in further
support of their motion to strike pages 3-9 of ASCAP's
introductory statement.

The rules governing this proceeding simply do not
permit a party to submit an opening argument with its
written direct case. ASCAP attempts to mislead the
Copyright Office by citing to § 251.47(b) of the Rules
governing this proceeding, which permits a party to present
an oral opening argument at the hearing of this proceeding,
as support for its submission of a written opening argument.
It is precisely because ASCAP will have this opportunity at
the commencement of the hearing that the legal argument
sections of ASCAP's introductory statement (pages 3-9) are
improper and should be stricken.

ASCAP's suggestion that the Public Broadcaster's themselves have submitted an argumentative introductory statement is utterly ridiculous. One need merely read the introductory statements of both the Public Broadcasters and BMI to see how they differ in tenor and scope from ASCAP's. Indeed, the subject matter and tenor of the first two pages of ASCAP's introductory statement, which the Public Broadcasters have not moved to strike, are extremely similar to the Public Broadcasters' and BMI's introductory statements. The remainder of ASCAP's introductory statement is structured and reads like a legal brief, and thus is beyond the scope of the submissions a party is permitted to file in this proceeding with its written direct case.

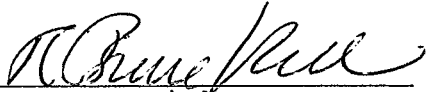
CONCLUSION

For the foregoing reasons, and the reasons reflected in the Public Broadcasters' November 14 memorandum in support of this motion, pages 3-9 of ASCAP's introductory statement should be stricken.

Respectfully submitted,

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December 3, 1997.

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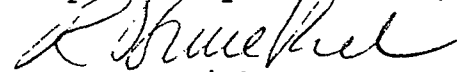
Re: Noncommercial Educational Broadcasting Compulsory
License (Docket No. 96-6 CARP NCBRA)

To Whom It May Concern:

Enclosed please find originals and five copies of:

- (1) the Public Broadcasters' Reply in Further Support of Their Motion to Strike the Testimony of Horace Anderson and to Strike ASCAP's Exhibits 721, 310, 311, 700 and 701;
- (2) the Public Broadcasters' Reply in Further Support of Their Motion to Strike Certain of the ASCAP Exhibits Sponsored by Carol Grajeda;
- (3) the Reply of the Public Broadcasters in Support of Motion to Bifurcate;
- (4) the Public Broadcasters' Reply in Further Support of Their Motion to Strike ASCAP's Introductory Statement; and
- (5) the Public Broadcasters' Reply in Further Support of Their Motion to Strike the Testimony of Jon A. Baumgarten, together with accompanying Certificates of Service.

Respectfully submitted,


R. Bruce Rich

Counsel to the Public
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National Public Radio

cc: Counsel of Record